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10/629,853	07/30/2003	Kiyoshi Kohiyama	1341,1157	6150
21171	7590	04/30/2009	EXAMINER	
STAAS & HALSEY LLP			PERUNGAVOOR, VENKATANARAY	
SUITE 700			ART UNIT	PAPER NUMBER
1201 NEW YORK AVENUE, N.W.				2432
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			04/30/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/629,853	<b>Applicant(s)</b> KOHIYAMA ET AL.
	<b>Examiner</b> Venkat Perungavoor	<b>Art Unit</b> 2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 April 2009.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4,6-24,26-41 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4,6-24,26-41 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-166/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see pages 8-13, filed 4/2/2009, with respect to the rejection(s) of claim(s) 1-4, 6-24, and 26-41 under 35 USC § 102(e) as anticipated by US Patent 6487646 to Adams et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent 5991399 to Gruanke et al.

### ***Claim Rejections - 35 USC § 112***

Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The claim mentions direct memory access being done without the operating system, but fails to disclose another processor handling the operations which is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-24, and 26-41 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5991399 to Gruanke et al.(hereinafter Graunke).

Regarding Claim 1, Graunke discloses a hardware secure module having a tamper resistant module structure and storing information related to secure software see Fig. 2 item 52;

a memory that stores the secure software see Fig. 2 item 36;

a falsification checking(key module) unit that is loaded on the hardware secure module(trusted player), wherein the falsification checking unit reads the secure software from the memory by direct access without using an operating system, compares the secure software with the information in the hardware secure module, and checks whether the secure software is falsified based on a result of the comparison see Fig. 5 item 222 & Fig. 4B item 118; and

a processor that executes the secure software when a result of the check by the falsification checking unit is that the secure software is not falsified see Fig. 5 item 124(where the decryption takes place after the player and the manifest have integrity and authenticity checked).

Regarding Claim 2-4, 6, 22-24, 26, Graunke discloses the second information being read in parts from each hard drive and non-volatile memory and further of comparing of the information see Col 6 Ln 1-16.

Regarding Claim 7-12, 27-32, Graunke disclose the storing and updating of softwares see Col 5 Ln 20-43.

Regarding Claim 13-18, 33-38, 41, Graunke explicitly disclose the keys and secret information being used to store and encrypt the data see Fig. 5 item 200,202

Regarding Claim 19, 39, Graunke discloses the MPEG configuration see Col 4 Ln 34-37.

Regarding Claim 20, Graunke an information reproducing method comprising:  
reading secure software stored in a memory using direct access method without using an operating system, by a hardware secure module having a tamper resistant module structure which stores information related to the secure software see Fig. 4b item 118(where the manifest contains information about the software being software see Fig. 3);

checking falsification by comparing the secure software with the information, and determining whether the secure software is falsified based on a result of the comparison see Fig. 4B item 118(where the comparison of integrity of software information is carried out) and

executing the secure software when a result of determining is that the secure software is not falsified see Fig. 4B item 132 & Fig. 5 item 216.

Regarding Claim 21, Graunke discloses a hardware secure module mounted to an information reproducing apparatus and having a tamper resistant module structure, comprising:

a reading unit that reads a secure software from a memory mounted to the information reproducing apparatus by direct access without using an operating system see Col 3 Ln 53-61;

and a falsification checking unit that compares the secure software with information related to the secure software stored in the hardware secure module, and checks a falsification of the secure software based on a result of the comparison, wherein if the result of the comparison shows that the secure software is not falsified the secure software is executed by the information reproducing apparatus see Col 5 Ln 20-43.

Regarding Claim 40, Graunke discloses the reading secure software stored in a memory using a direct access method and without using an operating system, by the hardware secure module having a tamper resistant module structure storing information related to the secure software see Fig. 5 item 204 & Fig. 3 item 52;

checking falsification by comparing the secure software with the first information, and determining a falsification of the secure software based on a result of the comparison see Col 5 Ln 20-43; and

executing the secure software when the result of the comparison is that the secure software is not falsified see Fig. 4B item 132.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is (571)272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./  
Examiner, Art Unit 2432

/Gilberto Barron Jr./  
Supervisory Patent Examiner, Art Unit 2432